

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**NICHOLAS COLUCCI
d/b/a EZ LINE PUTTERS,**

Plaintiff,

v.

CALLAWAY GOLF COMPANY,

Defendant.

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CIVIL ACTION No. 6:08cv288-JDL

ORDER SETTING HEARING

In addition to hearing matters traditionally taken up at the Pre-Trial Conference— Motions in Limine, Objections to Trial Exhibits, and Objections to Deposition Testimony— the Court also sets two of Defendant Callaway Golf Company’s (“Callaway”) Motions for Summary Judgment for hearing on **February 16, 2010 at 9:00am CST**. The Court will hear argument on Callaway’s Motion for Summary Judgment of No Liability for Trade Dress Infringement, Unfair Competition, and Unjust Enrichment (Doc. No. 75)¹ and Callaway’s Motion for Partial Summary Judgment of Damages Under Section 287 (Doc. No. 80).²

The Court additionally notes that it is the practice of this Court for the parties to meet and confer according to Local Rule 7(h) in preparation for the Pre-Trial Conference. During the meet and confer process,³ the Court expects the parties to make their best efforts to resolve all of their

¹ For this Motion (Doc. No. 75), each side will have 30 minutes to present their arguments (60 minutes total).

² For this Motion (Doc. No. 80), each side will have 20 minutes to present their arguments (40 minutes total).

³ Under the Local Rules, both lead and local counsel for both parties are required to directly participate in the meet and confer process.

disputes, including Motions in Limine, in a mutually agreeable manner prior to requesting the Court to resolve outstanding disputes at Pre-Trial. While it is the Court's role to provide a ruling on matters for which the parties cannot reach agreement, the purpose of the Pre-Trial Conference is not to provide a forum where the parties vastly alter their respective exhibit lists and/or discuss objections that may arise at trial for the first time. Accordingly, the parties are encouraged to work with lead and local counsel to formulate a trial plan with a reasonable number of witnesses and exhibits to be presented to the jury at trial, as well as to make their best efforts to resolve any foreseeable disputes before the Court's involvement at the Pre-Trial stage.

So ORDERED and SIGNED this 15th day of January, 2010.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE